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EXAMINER

LAI, MICHAEL C

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NOTIFICATION DATE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/688,430	Applicant(s) AALTONEN ET AL.	
	Examiner MICHAEL C. LAI	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/22/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-25,27-42,44-59 and 61-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-25,27-42,44-59 and 61-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to communications filed on 6/22/2010.

Response to Amendment

The examiner has acknowledged the amended claims 1-6, 8-25, 27-42, 44-59, and 61-71. The objection to claim 33 has been corrected and withdrawn accordingly. Claims 1-6, 8-25, 27-42, 44-59, and 61-71 are pending.

Applicant has not pointed out where the limitations of the amended claims are supported in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06) Applicant is requested to provide support for the amended claims.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

1. Claim 20 is objected to because of the following informalities: In line 5, "the following," should be "the following:".
2. Claim 29 is objected to because of the following informalities: In line 5, "the following," should be "the following:".

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-6, 8-25, 27-42, 44-59, and 61-71 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The examiner does not find proper descriptions for the new limitations “a terminal configured to determine to access”, “the terminal is also configured to determine to store”, “a trigger to the terminal to determine to obtain its location”, etc., in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. These “determine to” limitations are recited all over the independent and dependent claims. Note that the specification only provides descriptions on “determine the location of the terminal”.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 11-16, 18-19, 29-34, 36, 46-51, 53, 63-68, and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,798,785, hereinafter Hendricks), and in view of Bims (US 6,788,658 B1, hereinafter Bims).**

7. Regarding claim 11, Hendricks discloses a system comprising:

a terminal configured to access at least one piece of content from a memory (220 Set top terminal FIG. 3 and col. 9 line 21 through col. 10 line 62) , wherein the at least one piece of content comprises at least one piece of pre-broadcast content (FIG. 14 and col. 38, lines 24-28, preview menu. Note that page 26, lines 4-11 of the original specification indicated previews are one of pre-broadcast content) related to broadcast content, the pre-broadcast content including the broadcast content, wherein the terminal is also configured to store, into a content usage log, at least one content usage statistic relating to the terminal accessing the at least one piece of pre-broadcast content from the memory (col. 9 line 21 through col. 10 line 62, local storage); and

a destination configured to receive the content usage log including the at least one content usage statistic (202 Operations Center Fig. 3 and col. 9, lines 11-19).

Hendricks discloses the claimed invention except for: determine to access and determine to store. However, “determining” as one of the actions and processes of a computer system or similar electronic computing device is well known in the art as evidenced by Bims (see at least col. 3, lines 28-41). Bims further discloses a repeater determines if it is to send the acknowledgement packet (see at least col. 5, lines 51-58). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Bims’ teaching into Hendricks’ system for the purpose of automatically making decision by configuring terminals to determine to access and determine to store, thereby enabling one of the actions and processes of a computer system or similar electronic computing device (see at least col. 3, lines 28-41).

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8. Regarding claim 12, Hendricks further discloses wherein the terminal is configured to receive the at least one piece of content in accordance with a broadband data broadcast technique (col. 9, lines 50-59), and wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel (col. 10, lines 25-31).

9. Regarding claim 13, Hendricks and Bims further disclose wherein the terminal is configured to determine to send the content usage log to the destination when a return channel between the terminal and the destination is at least one of available or established (col. 13 line 56 through col. 14 line 6. Note that cable headend 208 communicates with operation center 202 or statistical and billing sites). See claim 11 for motivation.

10. Regarding claim 14, Hendricks further discloses wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal and the at least one piece of content accessed from the memory (col. 10, lines 13-24).

11. Regarding claim 15, Hendricks further discloses wherein the terminal is configured to access at least one piece of content from a memory of the terminal in an offline manner (col. 9 line 21 through col. 10 line 62).

12. Regarding claim 16, Hendricks and Bims further disclose wherein the terminal is configured to: determine to repeatedly access at least one piece of content and determine to repeatedly store at least one content usage statistic for a period of time before the broadcast content is broadcast, and determine to send the content usage log

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to the destination after the period of time and before the broadcast content is broadcast (col. 13 line 56 through col. 14 line 6; col. 15, lines 55-65). See claim 11 for motivation.

13. Regarding claim 18, Hendricks further discloses wherein the destination (a viewing information server) is configured to receive the content usage log including the at least one content usage statistic such that a network entity is configured to send, to the terminal, at least one piece of content based upon the at least one content usage statistic (col. 29, lines 26-43).

14. Regarding claim 19, Hendricks further discloses wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory, a time the at least one piece of content was accessed from memory, information regarding used connection types, or information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types (col. 7, lines 15-29, capacity improvement).

15. Regarding claim 29, Hendricks discloses an apparatus comprising:
at least one processor; and at least one memory including computer program code for one or more programs (220 Set top terminal FIG. 3 and col. 9 line 21 through col. 10 line 62), the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

access at least one piece of content from a memory (220 Set top terminal FIG. 3 and col. 9 line 21 through col. 10 line 62), the at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content, the pre-broadcast

content including the broadcast content (FIG. 14 and col. 38, lines 24-28, preview menu. Note that page 26, lines 4-11 of the original specification indicated previews are one of pre-broadcast content),

store, into a content usage log (col. 9 line 21 through col. 10 line 62), at least one content usage statistic relating to accessing the at least one piece of pre-broadcast content from the memory, and

send the content usage log to a destination before the broadcast content is broadcast (202 Operations Center Fig. 3 and col. 9, lines 11-19).

Hendricks discloses the claimed invention except for: determine to access, determine to store, and determine to send. However, “determining” as one of the actions and processes of a computer system or similar electronic computing device is well known in the art as evidenced by Bims (see at least col. 3, lines 28-41). Bims further discloses a repeater determines if it is to send the acknowledgement packet (see at least col. 5, lines 51-58). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Bims’ teaching into Hendricks’ system for the purpose of automatically making decision by configuring terminals to determine to access, determine to store, and determine to send, thereby enabling one of the actions and processes of a computer system or similar electronic computing device (see at least col. 3, lines 28-41).

16. Regarding claim 30, Hendricks further discloses wherein the apparatus is further caused to receive the at least one piece of content in accordance with a broadband data broadcast technique (col. 9, lines 50-59), wherein the at least one piece of content

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comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel (col. 10, lines 25-31).

17. Regarding claim 31, Hendricks and Sims further disclose wherein the apparatus is further caused to determine to send the content usage log to the destination when a return channel between the apparatus and the destination is at least one of available or established (col. 13 line 56 through col. 14 line 6. Note that cable headend 208 communicates with operation center 202 or statistical and billing sites). See claim 29 for motivation.

18. Regarding claim 32, Hendricks further discloses wherein the at least one content usage statistic comprises at least one statistic related to at least one of the apparatus and the at least one piece of content accessed from the memory of the apparatus (col. 10, lines 13-24).

19. Regarding claim 33, Hendricks and Sims further disclose wherein the apparatus is further caused to determine to access the at least one piece of content from a memory of a apparatus in an offline manner (col. 9 line 21 through col. 10 line 62). See claim 29 for motivation.

20. Regarding claim 34, Hendricks and Bims further disclose wherein the apparatus is further caused to: determine to repeatedly access the at least one piece of content, determine to repeatedly store the at least one content usage statistic for a period of time before the broadcast content is broadcast, and determine to send the content usage log to the destination after the period of time and before the broadcast content is broadcast (col. 13 line 56 through col. 14 line 6; col. 15, lines 55-65). See claim 29 for motivation.

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21. Regarding claim 36, Hendricks further discloses wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory, a time the at least one piece of content was accessed from memory, information regarding used connection types, or information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types (col. 7, lines 15-29, capacity improvement).

22. Claims 46-51, 53 are of the same scope as claims 11-16, and 19 respectively. They are rejected for the same reasons as for claims 11-16, and 19 respectively.

23. Claims 63-68, 70 are of the same scope as claims 11-16, and 19 respectively. They are rejected for the same reasons as for claims 11-16, and 19 respectively.

24. Claims 1-4, 6, 8-10, 20-23, 25, 27-28, 37-40, 42, 44-45, 54-57, 59, 61-62, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,798,785, hereinafter Hendricks), in view of Bims (US 6,788,658 B1, hereinafter Bims), and further in view of Hale et al. (US 6,785,539, hereinafter Hale).

25. Regarding claim 1, Hendricks discloses a system comprising:

a terminal configured to access at least one piece of content from a memory of the terminal in an offline manner after receipt of the at least one piece of content, wherein the terminal is also configured to store, into a content usage log, at least one content usage statistic relating to the access of the at least one piece of content from memory, and wherein at least one content usage statistic comprises the location of the

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terminal (220 Set top terminal FIG. 3 and col. 9 line 21 through col. 10 line 62; address field 924 FIG. 7b ; col. 15, lines 55-65); and

a destination configured to receive the content usage log including the at least one content usage statistic (202 Operations Center Fig. 3 and col. 9, lines 11-19).

Hendricks discloses the claimed invention except for: determine to access, determine to obtain, and determine to store. However, “determining” as one of the actions and processes of a computer system or similar electronic computing device is well known in the art as evidenced by Bims (see at least col. 3, lines 28-41). Bims further discloses a repeater determines if it is to send the acknowledgement packet (see at least col. 5, lines 51-58). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Bims’ teaching into Hendricks’ system for the purpose of automatically making decision by configuring terminals to determine to access, determine to obtain, and determine to store, thereby enabling one of the actions and processes of a computer system or similar electronic computing device (see at least col. 3, lines 28-41).

Hendricks and Bims disclose substantially all the limitations in claim 1, but fails to teach the access of the at least one piece of content being a trigger to the terminal to obtain its location, the terminal being configured to obtain its location in response to the trigger. However, Hale teaches a portable device used to automatically store usage patterns. The stored information may be used for tracking user preferences, may be used to infer user location and direction. The information gathered from many devices

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may be collected in a database. The data may be analyzed to determine group behavior, identify popular locations (col. 10, lines 35-67). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Hale's teaching into Hendricks' and Bims' system for the purpose of tracking locations of terminals by triggering terminals to obtain their locations when access a piece of content, thereby collecting useful usage patterns and location related information.

26. Regarding claim 2, Hendricks further discloses wherein the terminal is configured to receive the at least one piece of content in accordance with a broadband data broadcast technique (col. 9, lines 50-59), and wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel (col. 10, lines 25-31).

27. Regarding claim 3, Hendricks and Bims further disclose wherein the terminal is configured to determine to send the content usage log to the destination when a return channel between the terminal and the destination is at least one of available or established (col. 13 line 56 through col. 14 line 6. Note that cable headend 208 communicates with operation center 202 or statistical and billing sites). See claim 1 for motivation.

28. Regarding claim 4, Hendricks and Bims further disclose wherein the terminal is configured to determine to access at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content, and wherein the terminal is configured to determine to send the content usage log to the destination before the broadcast content is broadcast (FIG. 14 and col. 38, lines 24-28, preview menu. Note

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that page 26, lines 4-11 of the original specification indicated previews are one of pre-broadcast content; col. 9, lines 11-19). See claim 1 for motivation.

29. Regarding claim 6, Hendricks further discloses wherein the at least one content usage statistic comprises at least one statistic related to at least one of the terminal and the at least one piece of content accessed from the memory (col. 10, lines 13-24).

30. Regarding claim 8, Hendricks and Bims further disclose wherein the terminal is configured to determine to repeatedly access at least one piece of content, each access being a trigger to the terminal to determine to obtain its location; determine to obtain its location in response to each respective trigger; determine to repeatedly store at least one content usage statistic for at least one period of time, and determine to send the content usage log to the destination after each period of time (col. 13 line 56 through col. 14 line 6; col. 15, lines 55-65). See claim 1 for motivation.

31. Regarding claim 9, Hendricks and Bims further disclose wherein the destination is configured to receive the content usage log including the at least one content usage statistic such that a network entity is configured to determine to send, to the terminal, at least one piece of content based upon the at least one content usage statistic (col. 29, lines 26-43). See claim 1 for motivation.

32. Regarding claim 10, Hendricks further discloses wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory, a time the at least one piece of content was accessed from memory, information regarding used connection types, or information regarding available connection types comprising at least one of a signal strength,

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capacity or utilization rate of the connection types (col. 7, lines 15-29, capacity improvement).

33. Regarding claim 20, Hendricks discloses an apparatus comprising:

at least one processor; and at least one memory including computer program code for one or more programs (220 Set top terminal FIG. 3 and col. 9 line 21 through col. 10 line 62), the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

access at least one piece of content from a memory in an offline manner after receipt of the at least one piece of content (col. 10, lines 13-24), and

store, into a content usage log, at least one content usage statistic relating to the accessing of the at least one piece of content from memory into a content usage log, wherein the at least one content usage statistic comprises the location of the apparatus (col. 9 line 21 through col. 10 line 62; address field 924 FIG. 7b, col. 15, lines 55-65;).

Hendricks discloses the claimed invention except for: determine to access, determine to store, and determine to obtain. However, “determining” as one of the actions and processes of a computer system or similar electronic computing device is well known in the art as evidenced by Bims (see at least col. 3, lines 28-41). Bims further discloses a repeater determines if it is to send the acknowledgement packet (see at least col. 5, lines 51-58). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Bims’ teaching into Hendricks’ system for the purpose of automatically making decision by configuring terminals to determine to access, determine to store, and determine to obtain, thereby enabling one

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of the actions and processes of a computer system or similar electronic computing device (see at least col. 3, lines 28-41).

Hendricks and Bims disclose substantially all the limitations in claim 20, but fails to teach the access of the at least one piece of content being a trigger to the controller to obtain a location of the apparatus, the controller being configured to obtain the location of the apparatus in response to the trigger. However, Hale teaches a portable device used to automatically store usage patterns. The stored information may be used for tracking user preferences, may be used to infer user location and direction. The information gathered from many devices may be collected in a database. The data may be analyzed to determine group behavior, identify popular locations (col. 10, lines 35-67). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Hale's teaching into Hendricks' and Bims' system for the purpose of tracking locations of apparatus by triggering apparatus to obtain their locations when access a piece of content, thereby collecting useful usage patterns and location related information.

34. Regarding claim 21, Hendricks further discloses wherein the apparatus is further caused to receive the at least one piece of content in accordance with a broadband data broadcast technique (col. 9, lines 50-59), wherein the at least one piece of content comprises at least one piece of content for at least one channel comprising at least one of a television, radio or data channel (col. 10, lines 25-31).

35. Regarding claim 22, Hendricks and Bims further disclose wherein the apparatus is further caused to determine to send the content usage log to the destination when a

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return channel between the terminal and the destination is at least one of available or established (col. 13 line 56 through col. 14 line 6. Note that cable headend 208 communicates with operation center 202 or statistical and billing sites). See motivation in claim 20.

36. Regarding claim 23, Hendricks and Bims further disclose wherein the apparatus is further caused to receive and store at least one piece of content comprising at least one piece of pre-broadcast content related to broadcast content, determine to send the content usage log to a destination before the broadcast content is broadcast (FIG. 14 and col. 38, lines 24-28, preview menu. Note that page 26, lines 4-11 of the original specification indicated previews are one of pre-broadcast content; col. 9, lines 11-19). See motivation in claim 20.

37. Regarding claim 25, Hendricks further discloses wherein the at least one content usage statistic comprises at least one statistic related to at least one of the apparatus or the at least one piece of content accessed from the memory of the apparatus (col. 10, lines 13-24).

38. Regarding claim 27, Hendricks, Bims, and Hale further disclose wherein the apparatus is further caused to: determine to repeatedly access the at least one piece of content, each access being a trigger to determine to obtain the location of the apparatus, determine to obtain the location of the apparatus in response to each respective trigger, determine to repeatedly store the at least one content usage statistic for at least one period of time, and determine to send the content usage log to a

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destination after each respective period of time (col. 13 line 56 through col. 14 line 6; col. 15, lines 55-65). See claim 20 for motivation.

39. Regarding claim 28, Hendricks further discloses wherein the at least one content usage statistic comprises at least one of the following relating to the at least one piece of content accessed from the memory, a time the at least one piece of content was accessed from memory, information regarding used connection types, or information regarding available connection types comprising at least one of a signal strength, capacity or utilization rate of the connection types (col. 7, lines 15-29, capacity improvement).

40. Claims 37-39, 42, 44-45 are of the same scope as claims 1-3, 6, 8, and 10 respectively. They are rejected for the same reasons as for claims 1-3, 6, 8, and 10 respectively.

41. Claims 40 and 57 are of the same scope as claim 4. They are rejected for the same reasons as for claim 4.

42. Claims 54-56, 59, 61-62 are of the same scope as claims 1-3, 6, 8, and 10 respectively. They are rejected for the same reasons as for claims 1-3, 6, 8, and 10 respectively.

43. Regarding claim 71, Hendricks further discloses wherein the location of the apparatus includes a geographic location of the apparatus (col. 16, lines 4-15).

44. Claims 5, 24, 41, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,798,785, hereinafter Hendricks) in view of Bims (US 6,788,658 B1, hereinafter Bims) and Hale et al. (US 6,785,539,

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hereinafter Hale), and further in view of Inoue et al. (US 5,826,168, hereinafter Inoue).

45. Regarding claim 5, Hendricks, Bims, and Hale fail to disclose the limitations. However, Inoue teaches wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel (FIG. 2B), wherein the terminal is configured to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast (T1 FIG. 2B), and wherein the predefined period of time comprises the given time period (17 minutes FIG. 2B). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Inoue's teaching into Hendricks', Bims', and Hale's system for the purpose of accommodating the viewing schedule of a user by buffering the display of video signals transmitted by a broadcaster, thereby providing a true near video-on-demand service (col. 2, lines 47-50).

46. Regarding claim 24, Hendricks, Bims, and Hale fail to disclose the limitations. However, Inoue teaches wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel (FIG. 2B), wherein the terminal is configured to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast (T1 FIG. 2B), and wherein the predefined period of time comprises the given time period (17 minutes FIG. 2B). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate

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Inoue's teaching into Hendricks', Bims', and Hale's system for the purpose of accommodating the viewing schedule of a user by buffering the display of video signals transmitted by a broadcaster, thereby providing a true near video-on-demand service (col. 2, lines 47-50).

47. Claims 41 and 58 are of the same scope as claim 5. They are rejected for the same reasons as for claim 5.

48. Claims 17, 35, 52, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks et al. (US 5,798,785, hereinafter Hendricks) in view of Bims (US 6,788,658 B1, hereinafter Bims), and further in view of Inoue et al. (US 5,826,168, hereinafter Inoue).

49. Regarding claim 17, Hendricks and Bims fail to disclose the limitations. However, Inoue teaches wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel (FIG. 2B), wherein the terminal is configured to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast (T1 FIG. 2B), and wherein the predefined period of time comprises the given time period (17 minutes FIG. 2B). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Inoue's teaching into Hendricks' and Bims' system for the purpose of accommodating the viewing schedule of a user by buffering the display of video signals transmitted by a broadcaster, thereby providing a true near video-on-demand service (col. 2, lines 47-50).

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50. Regarding claim 35, Hendricks and Bims fail to disclose the limitations.

However, Inoue teaches wherein the at least one piece of pre-broadcast content comprises a set of at least one television program over a given time period for at least one television channel (FIG. 2B), wherein the terminal is configured to access the at least one piece of pre-broadcast content at least a predefined period of time before the broadcast content is broadcast (T1 FIG. 2B), and wherein the predefined period of time comprises the given time period (17 minutes FIG. 2B). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate Inoue's teaching into Hendricks' and Bims' system for the purpose of accommodating the viewing schedule of a user by buffering the display of video signals transmitted by a broadcaster, thereby providing a true near video-on-demand service (col. 2, lines 47-50).

51. Claims 52 and 69 are of the same scope as claim 17. They are rejected for the same reasons as for claim 17.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

52. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objection made. Applicant must show how the amendments avoid such references and objections. See 37 CFR 1.111(c).

53. Garfinkle, US Patent Number 5,530,754, has taught a video-on-demand system providing so-called trailers or previews for certain of the video products, and lead-ins for the initial portions of certain products to provide a seamless lead in to program material ordered from the central station.

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL C. LAI whose telephone number is (571)270-3236. The examiner can normally be reached on M-F 8:30 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael C. Lai

26AUG2010

/YVES DALENCOURT/

Primary Examiner, Art Unit 2457